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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>2002P00990WOUS</b>									
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____ eFiled</p> <p>Signature_____</p> <p>Typed or printed name _____</p>		Application Number <b>10/529,002</b>	Filed <b>12/15/2005</b>								
<p>First Named Inventor <b>Joachim Hädicke et al.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Art Unit <b>3753</b></td> <td style="width: 50%;">Examiner <b>Andrew J. Rost</b></td> </tr> </table>				Art Unit <b>3753</b>	Examiner <b>Andrew J. Rost</b>						
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<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p>											
<p>This request is being filed with a notice of appeal.</p>											
<p>The review is requested for the reason(s) stated on the attached sheet(s).</p> <p>Note: No more than five (5) pages may be provided.</p>											
<p>I am the</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 15px;"><input type="checkbox"/></td> <td>applicant/inventor.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td> </tr> <tr> <td><input type="checkbox"/></td> <td>attorney or agent of record. Registration number _____.</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>39,715</u></td> </tr> </table>				<input type="checkbox"/>	applicant/inventor.	<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input type="checkbox"/>	attorney or agent of record. Registration number _____.	<input checked="" type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>39,715</u>
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<p style="text-align: right; margin-right: 100px;">/James E. Howard/ _____ <b>James E. Howard</b> _____ Typed or printed name</p>											
<p style="text-align: right; margin-right: 100px;">252-639-7644 _____ Telephone number</p>											
<p style="text-align: right; margin-right: 100px;">January 31, 2011 _____ Date</p>											
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>											
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>											

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**STATEMENT OF ARGUMENTS FOR PRE-APPEAL BRIEF REVIEW**

1. *Claims 14, 15, 17, 18, 20, 23, 26 and 29 are not unpatentable under 35 USC §102(b) as being anticipated by Laurent (U.S. Patent No. 5,145,148).*

With regard to the Laurent patent, as discussed previously and during the interview, merely guiding the pin 38 in Laurent does not amount to guiding the armature 20, particularly since Laurent is silent with regard to whether the pin 38 is even connected to the armature 20. The Office Action refers to core 54 being received in a “depression of the element 20” in Fig. 1. There is no connection, however, and further “guiding” is not needed in view of the armature guide structure. Moreover, no part of the structure that serves to guide the core 54 and sleeve 56 also serves at any time to actually guide the armature 20. As shown in Fig. 1, the armature 20 is not sized to fit within the bore in the body 12 in which the core 54 and sleeve 56 are disposed.

Laurent also lacks the claimed two anchor guide sections of different materials. Laurent describes that the sleeve 56 has an outside diameter that provides a close fit with the circular cylindrical wall of through-bore 27 “for allowing that wall to guide the axial reciprocation of the pin . . . .” As such, if any part of the Laurent structure amounts to an anchor guide, at best it would be the circular cylindrical wall of the through-bore 27 in the body 12. The cross-hatching in Fig. 1 in Laurent evidences that the body 12, and thus the wall of the through-bore 27, is metal. Assuming that the “outer circumference of the element 20” purportedly amounts to another guide section, this section in Laurent is also shown as metal.

With regard to independent claims 26 and 29, these claims define similar structure, and Appellants submit that these claims are distinguishable from Laurent for similar reasons. In addition, claims 26 and 29 recite that all/both of the at least two magnetic anchor guide sections directly guide the magnetic anchor (see FIG. 2). As noted, the components referenced in the Office Action at best guide the pin 38 and do not directly guide the armature 20. That is, the purported “guide” via the circular cylindrical

wall of the through-bore 27 serves to guide the core 54 and sleeve 56. As would be appreciated by those of ordinary skill in the art, even if this structure somehow amounts to a guide for the armature 20, it is error to suggest that such guiding is “direct.” In this scenario, the purported guiding of the armature 20 is effected by guiding the core 54 and sleeve 56, which the Examiner contends are connected to the armature 20. Guiding the armature 20 by guiding structure purportedly connected to the armature is the very definition of “indirect” guiding, which directly contrasts the claimed invention.

With regard to the dependent claims, Appellants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim and because they recite additional patentable subject matter. For example, claim 23 recites that the armature housing is formed in two separate parts, with a first armature housing section set in the gas tap and a second armature housing section projecting from the gas tap. In this context, the Examiner contends that Laurent discloses this subject matter referring to “a section that is received within the body (12) and a section that is projecting from the body (element that supports spring 36 and defines a gap 46).” This is a mischaracterization of the Laurent structure. The armature housing according to the claimed invention is structure that receives the mobile magnetic anchor (see claim 14). The “section that is received within the body (12)” in Laurent does not in any manner receive a mobile magnetic anchor.

Withdrawal of the rejection is requested.

2. *Claims 14-18, 20, 23, 26 and 30 are not unpatentable under 35 USC §102(b) as being anticipated by Hofmann et al. (WO99/37517, USP 6,322,049).*

With regard to the Hofmann publication, as also discussed during the interview, although element 13 in Hofmann is referred to as a “guide body,” the guide body 13 does not serve a guiding function for the armature 14. The guide body 13 rather serves to guide fluid under pressure through conduits 39. Indeed, as seen in Fig. 2, the shaft 29 of cylindrical body 30 is spaced from the through bore 38 in the guide body 13. Consequently, it does not appear that the through bore 38 serves a guiding function for the shaft 29 or, in turn, the armature 14.

Moreover, like the Laurent patent, guiding the shaft 29, even assuming the shaft is guided, does not amount to guiding the armature 14. The Examiner refers to the shaft as the “cylindrical shaft 29 of the lower portion of the armature.” The shaft 29, however, in fact does not form part of the armature. Certainly, the armature 14 is not sized to fit within guide body 13 or within any structure that purportedly guides the shaft 29.

Hofmann also lacks the feature defined in claims 26 and 30 wherein each of the at least two magnetic anchor guide sections is a separate and independent component, and wherein all/both of the magnetic anchor guide sections directly guide the magnetic anchor. Even assuming the shaft 29 is guided, the structure that purportedly guides the shaft 29 would guide the armature 14 through guiding the shaft 29. This also is the very definition of “indirect” guiding, which directly contrasts the claimed invention.

With regard to the dependent claims, Appellants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim and because they recite additional patentable subject matter.

Withdrawal of the rejection is requested.

3. *Claims 22 and 25 are not unpatentable under 35 U.S.C. §103(a) over Laurent in view of Grant et al. (U.S. Patent No. 5,188,017).*

Without conceding this rejection, Appellants submit that the Grant patent does not correct the deficiencies noted with regard to Laurent and independent claim 14. As such, Appellants submit that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim and because they recite additional patentable subject matter. Withdrawal of the rejection is requested.

4. *Claims 14, 15, 17, 18, 20, 23 and 26-29 are not unpatentable under 35 U.S.C. §103(a) over Kaselow (U.S. Patent No. 4,830,602) in view of Laurent.*

With regard to the Kaselow patent, Kaselow is silent with regard to the details of its solenoid, as noted by the Examiner. At a minimum, however, it is clear that the coil (of the electromagnet 15) is not “arranged as a separate component outside of said armature housing on the magnetic insert” as claimed. The Laurent patent is discussed

above and as noted lacks at least the claimed two anchor guide sections that guide a magnetic anchor, lacks two anchor guide sections of different materials, and with respect to claims 26 and 29, also lacks the claimed direct guiding of the magnetic anchor. Appellants thus submit that the rejection of independent claims 14, 26 and 29 should be withdrawn.

With regard to the dependent claims, Appellants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim and because they recite additional patentable subject matter.